

Amendments to the Drawings:

Please replace original Figures 1 and 2 with the attached replacement sheet containing amended Figures 1 and 2 thereon.

In particular, Applicants have amended Figures 1 and 2 to illustrate that the transmitter 10 includes a laser 11, a light modulator 12, a pattern generator 13 (or a pattern and tone signal generator 19), and a polarization scrambler 14. Support for the amendments to the drawings, which more clearly illustrates the elements of the transmitter can be found, for example, on at least page 8 of Applicants' original specification, as well as in Applicants' original claim 1.

REMARKS

Upon entry of the above amendment, claims 5-9 will have been amended and claims 10-19 will have been newly submitted. Further, claims 1-4 will have been canceled without disclaimer of the subject matter recited therein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all of the claims in the present application, in due course.

In addition, by the above amendment, Figures 1-2 will have been amended to clarify the features of the transmitter. Applicants submit that support for such amendments to the drawings can be found, for example, on page 8 of Applicants' original specification, as well as in original claim 1. Accordingly, Applicants respectfully request favorable consideration of the drawings, as well as an indication of their acceptability by the Examiner in the next official communication.

Applicants express their gratitude to the Examiner for acknowledging the claim of foreign priority. However, Applicants note that the Examiner has not confirmed receipt of the certified copy of the priority document. Accordingly, in the next official communication, the Examiner is respectfully requested to acknowledge receipt of the priority document, which was filed on March 6, 2002, concurrently with the present application.

In the Official Action, the Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as being anticipated by TAGA et al. (U.S. Patent No. 5,872,647). In addition, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being

unpatentable over TAGA et al. in view of BODELL (U.S. Patent No. 4,768,186). Further, claims 4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over OOI et al. (U.S. Patent Application Publication 2002/0015207) in view of ISHIKAWA et al. (U.S. Patent No. 6,081,360).

Applicants assert that the monitoring apparatus, as recited in the claims, includes a combination of features that are neither anticipated nor rendered obvious by any of the references applied by the Examiner and that the rejections are inappropriate. Nevertheless, Applicants have rewritten objected-to claim 5, 8, and 9 into independent form to expedite prosecution of the present application.

In this regard, as acknowledged by the Examiner in the Statement of Reasons for Allowance, Applicants submit that the applied references, taken alone or in combination, fail to disclose the features recited in at least each of the objected-to claims (i.e., claims 5, 8, and 9). Moreover, Applicants submit that the claims in the present application each recite particular combinations of features, and the patentability of these claims is also based on the totality of features recited therein, which define over the prior art.

In view of the amendments and arguments herein, Applicants submit that independent claims 5, 12, and 16 are in condition for allowance. With respect to dependent claims 6-11, 13-15, and 17-19, Applicants assert that they are allowable on their own merit, as well as because they depend either directly or indirectly on independent claim 5, 12 or 16, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the applied references, taken individually or in combination, and an indication to such effect is respectfully requested, in due course.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the herein-contained remarks.

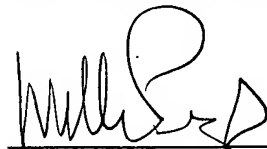
SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims and argued their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims made in this amendment, which have not been made to overcome the prior art, should be considered to have been made for a purpose unrelated to patentability. Accordingly, no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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